Louise R. Brown.

WARRANT

for

SPECIAL TOWN MEETING

JUNE 16, 1987

AT THE HIGH SCHOOL

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WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Town of Wayland

* * * WARRANT * * *

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Field House of the Wayland High School on

TUESDAY, JUNE 16, 1987

At 7:45 P.M., then and there to act on the following Articles:

NOTE: It is the intention of the Finance Committee to request of the Town that if an adjourned meeting be necessary to complete the action on the Warrant, it be held on Thursday, June 18, 1987.

NOTE: For all articles regarding appropriations, a majority quantum of vote is required, assuming that monies will be provided from available funds or transferred funds. If borrowing or other extraordinary sources of funds are involved, a two-thirds vote is required.

ARTICLE 1. BETTERMENT - WOODLAND ROAD

Proposed by: Road Commissioners

Estimated Cost: $65,000

Article 1. To see if the Town will appropriate a sum of money to be expended by the Road Commissioners for the planning, engineering, design, layout, and construction of certain betterments of Woodland Road from Pine Ridge Road to Cedar Crest Road with betterments to be assessed upon the owners of the land in accordance with G. L. Chapter 80 and the Road Commissioners' Rules and Regulations Governing Betterments on Ways; to determine whether such money shall be provided for by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal Government, by borrowing under the authority of the General Laws, or otherwise; or take any action relative thereto.

COMMENTS: This Article seeks money with which to improve a portion of Woodland Road identified on the accompanying map, under the Betterment Act. This program is a partnership between the abutters of the road improvement and the Town in which the Town and the abutters share the cost of the improvement. The arrangement provides that all the initial funding to complete the project is provided by the Town and that the abutters pay back one half of the principal with interest over a period of twenty years. Each abutter shares in the cost in proportion to his or her frontage on the improved portion of the road. The betterments are assessed each year on the abutter's property tax bill. In this case, since the Town owns some of the land abutting the road, the Town's share is slightly more than half of the cost.

All the necessary hearings for this project have been held.

This is the second project put forward under the new betterment policy.

The $65,000 represents the full estimated cost of the project, one half of which will be paid back by the abutters.

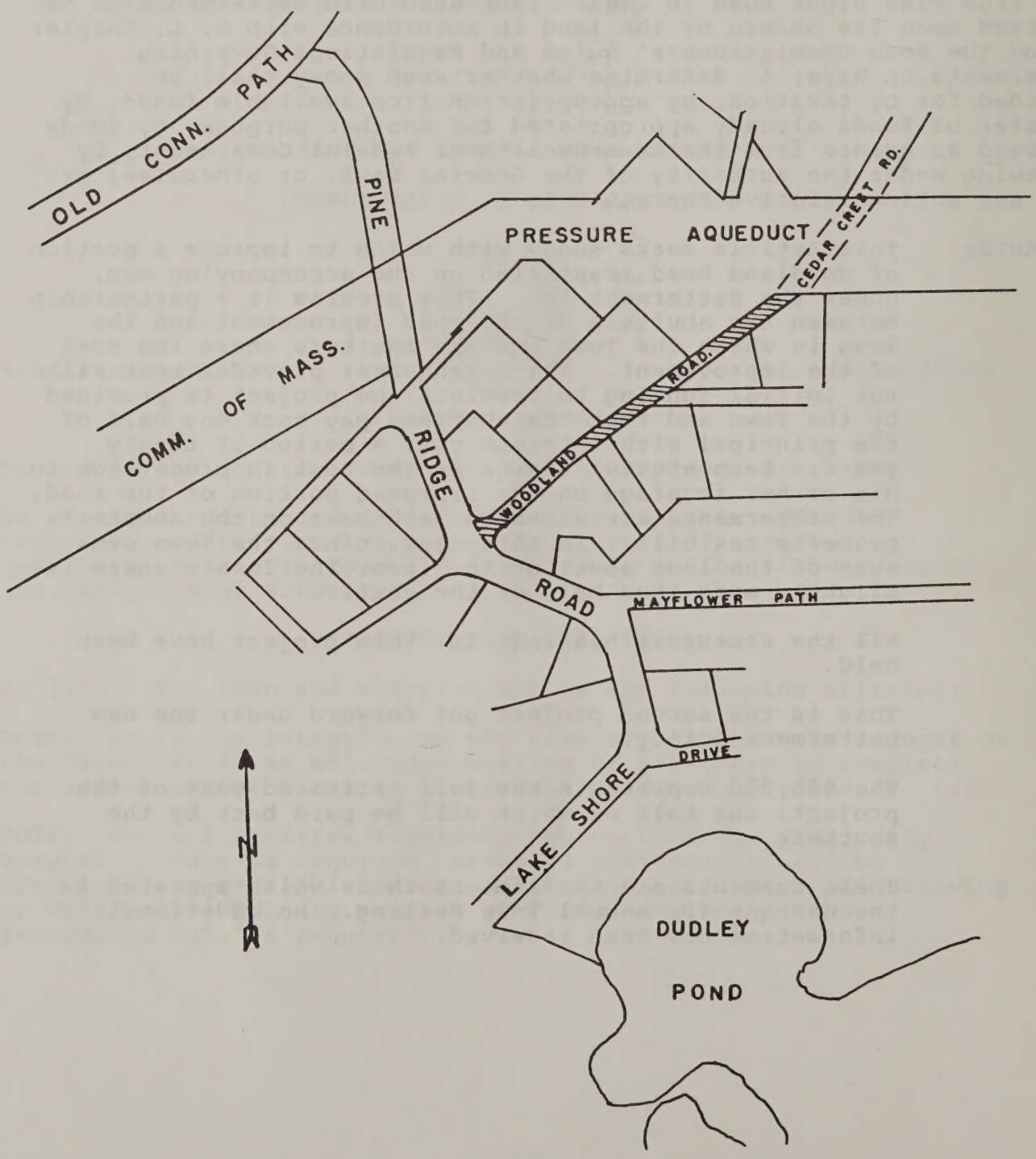
These comments are the same as those which appeared in the Warrant for Annual Town Meeting. No additional information has been received.

ARGUMENTS OPPOSED: Financial austerity only.

ARGUMENTS IN FAVOR: The abutters have been waiting a long time for this improvement opportunity. The betterment process provides a way for the costs of the improvement to be shared fairly.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Two-thirds for borrowing - See Mass. G.L., Ch. 44, Sec. 7, Ch. 41, Sec 81Y.



ARTICLE 2. TURNPIKE EXPANSION

Proposed by: Board of Selectmen

Estimated Cost: $5,000

Article 2. To see if the Town will appropriate a sum or sums of money to be expended by the Selectmen to study the environmental impact of the proposed expansion of the Massachusetts Turnpike and to contribute to legal efforts to control such impact, and to determine whether such money shall be provided for by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal government, by borrowing under the provisions of the General laws, or otherwise; or take any action relative thereto.

RECOMMENDATION: This Article was presented after the Finance Committee had completed its hearings on articles for Town Meeting. The Committee will make a recommendation at the time of Town Meeting.

QUANTUM OF VOTE: Majority - See Mass. G.L., Ch. 40, Sec, 5, Ch. 44, Sec. 33B.

ARTICLE 3. AMEND ZONING BY-LAWS - OVERLAY DISTRICT - FINCH GROUP

Proposed by: Planning Board
Petitioners

Article 3. To see if the Town will amend the Zoning By-Laws, as follows:

By adding the following paragraph to Section IIIA, after the words "most restrictive provisions."

"4. A Southeast Wayland-Cochituate Planning District, which includes all land to be placed in said Planning District by a two-thirds (2/3) vote of Town Meeting, but including only such land with an area not less than 25 acres, a substantial portion of which (herein defined as more than 30%) is Wet Areas, as defined in Section IX C(B) hereof, and which is located in the area shown as RESIDENTIAL ZONE 30,000 - 150' Front bordering on the Wayland-Natick town lines on THE ZONING MAP OF THE TOWN OF WAYLAND, MASSACHUSETTS - EVERETT H. BROOKS & CO. - CIVIL ENGINEERS, NEWTONVILLE AND WAYLAND, MASS., JANUARY 1, 1978, ZONING AMENDED TO JANUARY 1, 1971."

By adding the following Section IX C to the Zoning By-Laws, immediately following Section IX B thereof:

"SOUTHEAST WAYLAND-COCHITUATE PLANNING DISTRICTS

"SECTION IX C

"A. OBJECTIVE

In accord with the provisions of G.L. Chapter 40A, Chapter 41, Section 81 I, the Home Rule Amendment (Article 89) to the Constitution of the Commonwealth of Massachusetts, and every other power that the Town of Wayland may exercise, the Planning Board may grant special permits exempting developments which satisfy the terms and conditions which may properly be imposed pursuant to this Section IX C from certain regulations and restrictions contained in these Zoning By-Laws for the purposes set forth in Chapter 808 of the Acts of 1975, Sections 2A and 9 and to achieve the following objectives:

1. Development that conserves environmental features, woodlands, wetlands and areas of scenic beauty, and preserves sites and structures of historical importance.

2. Development that encourages the construction and location of attached single family dwellings or multi-family condominium dwellings in certain sites in order to preserve the residential characteristics of Wayland for all its inhabitants.

3. Development that provides for a variety of housing in Wayland.

4. Development that will permit the Town to continue to provide the same quality of municipal services without imposing an increased financial burden on its citizens.

5. Development that will provide at least ten (10) percent of the dwellings constructed to be made available for sale at Affordable Prices.

6. Development that will protect the environment and preserve open spaces by granting conservation and recreation easements to the Town of Wayland Conservation Commission for certain buffer areas and Wet Areas.

"B. DEFINITIONS

1. Affordable Prices - Affordable prices are those prices set by the Massachusetts Housing Finance Agency and the Massachusetts Housing Partnership within the Massachusetts Executive Office of Communities and Development for the sale of housing units to low- and moderate- income persons, as defined in the applicable Massachusetts Housing Finance Agency statute and regulations.

2. Applicant - The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the planned development site proposed, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site within a period of sixty days from the time that the applicant shall notify the owner(s).

3. Attached Single Family Dwelling - A dwelling unit for one family which has at least one exterior wall in common with another dwelling unit.

4. Bedroom - A separate room intended for, or which customarily could be used for, sleeping.

5. Buffer - An area within a planned development site adjacent to its boundaries, roads, streams, and ponds, which may not be developed except as provided herein.

6. Development Schedule - A program showing the order of construction and the sequence of improvements to be built or furnished in the planned development site defined by stages where applicable.

7. Dwelling Unit - A residence. Each residence shall contain at least a kitchen-living area, a bathroom and one or more bedrooms.

8. Land - Land, including areas covered by water.

9. Multi-family Condominium Dwelling - A building containing more than one dwelling unit which is subject to the provisions of G.L. Ch. 183A.

10. Stage of Development - The work to be done and the number of structures to be built within any of the time limits defined by the development schedule.

11. Wet Areas - Wet areas include water areas and other land in any of the following categories:

    (a) All land subject to the provisions of Massachusetts General Laws Chapter 131, Sec. 40 and 40A, land designated as being subject to the one-hundred year flood (an "A Zone") pursuant to the Federal Flood Disaster Protection Act, 42 U.S.C. 4001 et seq. or subject to any regulation by the Town with regard to flood plain or aquifer protection.

    (b) All lands within the Watershed Protection District originally established by vote of the Town under Article 17 of the 1967 Annual Town Meeting as the same may be amended from time to time.

    (c) Land which is ordinarily submerged during any portion of the year.

"C. PERMITTED USES

1. In a Southeast Wayland-Cochituate Planning District, no building or premises shall be used nor any building or structure be constructed, reconstructed, repaired or used, except as follows:

(a) Any use permitted as of right by Section V of these By-Laws shall be permitted therein as of right. Prior to the issuance of a special permit by the Planning Board under this Section IX C, a parcel of land included within a Southeast Wayland-Cochituate Planning District shall retain the residential zone classification and dimensional controls applicable to it prior to such designation by Town Meeting as a Southeast Wayland-Cochituate Planning District.

(b) Any use permitted if a special permit is obtained from the Board of Zoning Appeals in accordance with the provisions of Section V (r) shall be permitted therein, subject to the same proviso.

(c) Provided that a special permit is obtained from the Planning Board in accordance with the provisions of this Section IX C, attached single family dwellings or multi-family condominium dwellings shall be the only permitted uses therein. In the event a special permit is abandoned, as provided in paragraph E(5) hereof, or the time for application for a special permit has lapsed, as provided in paragraph E(2) (g) (1) hereof, the uses set forth in subparagraphs (a) and (b) above shall be the permitted uses in a Southeast Wayland-Cochituate Planning District.

4. In the event that access roads and underground utility services (other than septic disposal facilities) are necessary for a planned development site, land abutting but not included in a Southeast Wayland-Cochituate Planning District may be used for such purposes provided that such use shall have been approved by the Planning Board pursuant to its issuance of a special permit under this Section IX C and further provided that:

(a) The Planning Board shall find that such roads and services meet the objectives set forth in paragraph A above;

(b) The Planning Board shall find that such roads and services meet the objectives set forth in paragraph D below;

(c) Any such roads and services so permitted shall be subject to all applicable provisions of this Section IX C and the rules and regulations prescribed by the Planning Board pursuant to paragraph F below.

"D. STANDARDS

1. Qualifying Area

In order to qualify as a development site, an area of land in a Southeast Wayland-Cochituate Planning District shall contain at least 25 contiguous acres of land not divided by an existing street or aqueduct. At least thirty (30) percent of the land area must be Wet Areas for any parcel of land to qualify as a Southeast Wayland-Cochituate District development site.

2. Principals

No application for a special permit shall be approved unless the Planning Board shall find:

(a) That the development plan proposed is financially sound.

(b) That the Applicant's associates, professional advisers and contractors are qualified by training and/or experience to develop real estate and to construct multi-residence dwellings comparable to those proposed in accord with the development schedule set forth in its application.

3. Affordability

That the development plan provides that at least ten (10) percent of the dwelling units to be constructed will be made available at Affordable Prices to homebuyers and that the deeds of these dwelling units will contain a mechanism or mechanisms to insure future sales at reduced prices for a period of not less than 99 years. The development plan shall also provide that the Town of Wayland shall have a right of first refusal to purchase the dwelling units made available at Affordable Prices at the expiration of the aforementioned 99 year period. Dwelling units to be sold at Affordable Prices shall be integrated into the overall development in a manner, acceptable to the Planning Board, to prevent physical segregation of such units.

4. Development Schedule

A development schedule shall be required that considers the capacity of the Applicant to develop as well as the ability of the Town to provide public services in accord with the provisions of paragraph A (4) above.

5. Preservation of Natural and Historical Features

Natural and historical features of special interest, including hill tops, cliffs and bluffs, ravines, attractive groves of trees, biological habitats of special interest, and views of unusual charm shall be preserved.

6. Ground Coverage Limitations

No more than 35% of the total area of a Southeast Wayland-Cochituate Planning District development site shall be occupied by structures, parking areas, roadways and driveways, patios, storage spaces or enclosed areas.

7. Density of Dwelling Units

(a) The maximum number of dwelling units that may be allowed in a development site shall be determined by the Planning Board in accord with the following formula:

D = K (A-W)
D = the maximum number of dwelling units,
A = total number of acres in a Southeast Wayland-Cochituate Planning District development site, and
W = number of acres of Wet Areas.

(b) The density factor (K) shall be a value recommended by the Planning Board within the 2.75 to 3.25 range.

8. Number of Bedrooms

The number of bedrooms in any Southeast Wayland-Cochituate Planning District development shall not exceed two (2) times the number of dwelling units permitted by the special permit.

9. Maximum Number of Dwelling Units per Building

No multi-family condominium dwelling or attached single family dwelling grouping in a Southeast Wayland-Cochituate Planning District development shall contain more than six (6) dwelling units.

10. Buffers

No structure may be erected nor may any land be paved within one hundred (100) feet of the perimeter of a Southeast Wayland-Cochituate Planning District development site unless such construction shall have been approved by the Planning Board acting in accordance with its rules and regulations.

11. Separation of Buildings

The developer shall separate neighboring buildings to prevent overmassing and to assure privacy and a view to outlying open areas. Every effort shall be made to design and locate buildings to retain and reflect the character of the community in which they are located.

12. Height

No building or structure shall be more than three stories in height nor exceed thirty-five (35) feet in height from finished grade at any point.

13. Parking

A minimum of two (2) parking spaces shall be provided for each dwelling unit. The term "parking spaces" shall be defined to include both private in-door parking garages and private driveways accessing such in-door garages. No lot providing for residential parking shall contain more than ten (10) parking spaces. Each parking lot shall be screened from ways by a landscaped border which shall be at least twenty-five feet wide.

14. Utilities

All electric, gas, telephone and water distribution lines shall be placed underground in accord with the Regulations of the Planning Board unless the Planning Board shall grant an exception to this requirement.

15. Roads

All roads shall be designed, located and constructed as private ways to be maintained by an association of unit owners, in a manner satisfactory to the Planning Board.

16. Paths

Paths for the use of residents shall be attractively designed with proper regard to convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the development site.

17. Surface Drainage

The surface drainage system shall be designed in accord with the rules and regulations of the Planning Board in accord with the requirements of the Conservation Commission with respect to retaining and protecting ground water. Drainage of adjoining parcels shall not be materially adversely affected by the planned development.

18. Septic Disposal

All waste water treatment and/or sewerage disposal facilities shall be designed and constructed in accord with the most recent provisions of the Sanitary Code promulgated by the Massachusetts Department of Public Health, the Regulations of the Board of Health and all other laws pertaining thereto.

19. Conservation and Recreation Easement

Conservation and recreation easements on the development site shall be granted to the Town of Wayland Conservation Commission, in accordance with Massachusetts General Laws Ch. 184, Sections 31-33, over certain buffer areas and over Wet Areas. The Planning Board shall determine the exact areas to be subject to the conservation and recreation easements and the exact terms and provisions of such easements after considering the need to protect the environment and preserve open spaces and the comments, if any, of the Conservation Commission.

"E. ADMINISTRATION

1. Application for a Special Permit

An application for a special permit for construction of attached single family dwellings and/or multi-family condominium dwellings in a Southeast Wayland-Cochituate Planning District shall be submitted to the Planning Board on forms furnished by the Planning Board. Written notice containing a copy of said plan shall be given by the Applicant to the Town Clerk, the Conservation Commission, the Finance Committee, the Fire Chief, the Board of Health, the Inspector of Buildings, the Park and Recreation Commissioners, the School Committee, the School Building Planning Committee, the Selectmen, the Commissioners of the Water Department and the Zoning Board of Appeals. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. Chapter 41, Sections 81 O and 81 T as the same may be from time to time amended, a filing fee determined in accord with paragraph H below, and a development plan containing the following information and data:

(a) The name(s) and address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances

affecting ownership of the development site together with the opinion of an attorney concerning the state of the title; and an instrument executed by all persons owning property within the site agreeing that the development, as applied for, is desired.

(b) A plan suitable for recording of the development site showing all structures and improvements on the site, all ways and utilities serving the same, all lot lines, easements and rights of way of record.

(c) All information required by the Planning Board regarding the training and experience of the Applicant, his associates, professional advisers, and contractors in the development and management of real estate, the construction of housing as well as their respective financial positions. Such information may include a list of all persons and organizations with which he has been associated in the development of real estate during the past 10 years, including their addresses and the names of their principal officers, as well as all sources of credit upon which he relies to acquire, develop and manage the development site. The Applicant shall furnish copies of such transcripts, records, letters of intent, contracts as well as all other documentation that the Planning Board may require to determine whether the Applicant is qualified to undertake and complete the development proposed and whether his plan for financing the same is sound.

(d) A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion

(e) Information, including but not limited to reports, letters or studies prepared by qualified professionals, showing the effect, from time to time, of the development on the Town's capacity to furnish services including, but not limited to, schooling, roads, water and sanitation.

(f) A map, to the scale required by the Planning Board, of the development site and the community surrounding the same to a distance of one half mile and showing all proposed points of interconnection including roads, utilities and schools.

(g) A plan of or plans, to the scale required by the Planning Board, showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including all woodlands, wetlands, groups of trees or individual trees worthy of preservation, rock outcroppings, significant slopes, trails and paths, flowing streams and drainage ways, ponds, productive agricultural lands, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas.

(h) Plans for the preservation of the vegetation and special features shown on the topograhic plan.

(i) All information that the Planning Board may require to determine limitations on ground coverage and density.

(j) Information, including proposed interior plans, regarding the number and kind of dwelling units proposed, including their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

(k) A plan or plans, to the scale required by the Planning Board, showing existing and proposed contours, roads, lighting, utility and sewerage systems, the areas to be set aside for building structures, parking areas and conservation and recreation easements.

(l) A model or models illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be required.

(m) A report showing the manner of construction of structures describing structural and paving materials, all in accord with the minimum standards prescribed in the most recent provisions of the Commonwealth of Massachusetts State Building Code and all other laws and regulations pertaining thereto.

(n) Information showing the street name and numbering system proposed and any supplementary methods proposed for identifying places and residences in the site.

(o) Any organization which the Applicant proposes to form, if the development is to be a condominium development, including forms and plans to be used to organize and manage the same.

(p) Copies of all proposed covenants,, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply.

(q) Proposals for the disposition of sanitary waste and storm water.

(r) Copies of all proposed deed restrictions to assure resale at Affordable Prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices in accordance with paragraph D (3) hereof.

(s) Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of paragraph A and satisfies the standards of paragraph D above.

2. Review and Action by the Planning Board

(a) Within sixty (60) days of receiving an Application for a special permit for a development plan, as the same may have been modified from time to time since it was first submitted, the Planning Board shall request a report from the Board of Health pursuant to G.L. Chapter 41, Section 81 U and V and hold a public hearing on such plan, giving notice of the time and place thereof and of the subject matter in accord with the provisions of G.L. Chapter 40 A, Section 11, as the same may be, from time to time, amended.

(b) In the event that the Planning Board shall decide, after the conclusion of such hearing, not to grant such a special permit, it shall notify all parties in interest of its decision as provided in G.L. Chapter 40 A, Section 15, as the same may be amended from time to time.

(c) If, on the other hand, the Planning Board shall be inclined to grant such a special permit, it shall, within sixty (60) days after the date of the conclusion of the public hearing, send to the Applicant a proposed special permit containing the development plan approved, as well as such conditions and safeguards it deems appropriate to assure that the site approved shall be developed in complete harmony with the general

purpose and intent of G.L. Chapter 40 A, Section 9 and the Zoning By-Laws of the Town of Wayland. Without limiting this general purpose and intent, such conditions and safeguards shall include:

(1) A requirement that the Applicant shall submit to the Planning Board:

(i) A plan suitable for recording showing the land in the development site, including a designation of land to be included as conservation and recreation easements;

(ii) A copy of the deeds for the dwelling units to be sold at Affordable Prices;

(iii) If the special permit provides for construction of multi-family condominium dwelling units, a master deed duly executed and recorded by the Applicant submitting the land to the provisions of G.L. Chapter 183 A, as well as a copy of the By-Laws to be adopted by the organization of unit owners; and

(iv) A document suitable for recording granting the Town of Wayland a conservation and recreation easement over certain buffer areas and over Wet Areas.

(2) A development schedule bearing the signature of the Applicant showing dates for:

(i) Commencement of development within one year after recording of the special permit applied for;

(ii) Completion of each stage of the development proposed, if applicable; and

(iii) Completion of the planned development.

(3) Negotiable instruments, deposits of money and/or a performance bond of a surety company qualified to do business in the Commonwealth of Massachusetts, and satisfactory to the Planning Board shall be furnished and maintained by the Applicant and a covenant shall be executed and recorded by the Applicant, running with the land, which shall be sufficient, in the opinion of the Planning Board, to secure adherence by the Applicant to the development plan approved and performance of such plan in accord with the development schedule set forth therein. All such covenants shall provide the Applicant shall pay fifty ($50) dollars to the

Town, as liquidated damages, for each day that shall pass after the expiration of 90 days from the time that any work shall not have been completed as required by the development schedule, unless said work shall have stopped for a period of thirty days under a court order or if it shall be stopped or delayed through no act or fault of the Applicant or of any of the contractors that the Applicant has engaged to develop the site.

(4) A requirement that the professionals and principals named in the development plan shall continue to participate in the development in the capacities specified in the plan approved, unless the Planning Board shall have modified the permit as hereinafter provided.

(5) Regulations to minimize inconveniences to residents in the general area, whether of noise, vibration, dust, blocking of Town roads, or otherwise.

(6) A requirement that as built drawings shall be filed with the Inspector of Buildings upon completion of each stage of the development.

(d) The Applicant shall, within sixty (60) days after he receives a copy of the proposed special permit from the Planning Board, notify said Board of his acceptance of or his refusal to accept all the conditions and safeguards set forth therein. In the event that the Applicant shall notify said Board that he accepts all such conditions, he shall file with his notice copies of the plan and the instruments that he proposes to submit pursuant to paragraph 3 (e) below to satisfy the requirements of paragraph 3 (c) (1) through (3) above. In the event that the Applicant shall not within said period notify the Planning Board that he accepts all said conditions and safeguards, or if he shall fail to submit copies of the aforesaid plan and instruments, the Planning Board shall be deemed to have denied approval of the development plan and his application for a special permit. The Planning Board and the Applicant may, nevertheless, agree in writing to a change in any such conditions, and the Planning Board may, at the request of the Applicant, extend the time during which the Applicant shall notify the Planning Board in writing of his acceptance or refusal to accept the conditions and safeguards proposed.

(e) Within sixty (60) days after the Applicant has notified the Planning Board of its acceptance, the Applicant shall deliver to said Board all of the documents described in paragraph E 2 (c) (1) through (3) except the instrument and master deed required by paragraph E 2 (c) (1) (iii) above, together with any and all other instruments and fees that may have been imposed as a condition or safeguard upon exercise of the special permit applied for.

(f) Upon receipt of all such material, the Planning Board may grant such special permit to the Applicant in accord with the procedure set forth in said G.L. Chapter 40 A, Sections 9 and 11 subject, however, to such conditions and safeguards as it may impose pursuant to Section 9 of said Chapter 40A.

(g) The Planning Board shall have no power to issue a special permit under Section IX C:

(1) After the expiration of 36 months from the date on which the Attorney General shall have approved the By-Law amendment designating a Southeast Wayland-Cochituate Planning District for which the special permit is sought unless, after the expiration of such 36 month period, the consent of all but one of the members of the Planning Board shall be given to the issuance of a special permit in the manner provided by G.L. Chapter 40A, Section 16. Such consent by all but one of the members of the Planning Board shall be effective for 12 months from its date, and may be extended for additional 12 month periods by similar vote of the Planning Board.

3. Permits for Use and Constructions

(a) No permit for the construction or alteration of any structure or for any new use of a structure on the land in the development site shall be granted by the Inspector of Buildings or permitted by the Inspector of Zoning until the Planning Board shall have reviewed a copy of each application for a building permit and/or a use permit submitted to

it by the Applicant and notified the said inspectors in writing that:

(1) Less than one year has expired since the grant of the Special Permit or that a building or use permit has previously been granted for said site;

(2) The Applicant has obtained binding commitments for the financing required to complete the stage of development proposed or in progress or that he has irrevocably committed personal funds sufficient for this purpose; and

(3) The construction and/or use proposed is in substantial compliance with the definitive plan of the subdivision, where applicable, the development plan and the Zoning By-Laws of the Town of Wayland.

In the event that twenty days shall have elapsed after the Planning Board has received a copy of such application without submitting the aforesaid notification, the permit may issue as if the Planning Board had so notified the said inspectors.

(b) In the event that the Planning Board shall determine that the Applicant has not satisfied the conditions and safeguards set forth in paragraph 4 (a) above or that any schedule, construction or use applied for will vary any of the following by ten percent or more from the development plan approved, it shall recommend that the Inspector of Building and Zoning withhold a permit therefor pursuant to the provisions of G.L. Chapter 40 A, Section 7 as the same may be, from time to time, amended:

(1) The amount and location of ground coverage, including buffers;

(2) Adherence to the development schedule;

(3) The density and types of dwelling units;

(4) The size and number of parking spaces required;

(5) The location of utility facilities;

(6) The location of paths, ways and traffic.

(c) In such event, the Applicant may either appeal such decisions of the Inspector of Zoning pursuant to the provisions of G.L. Chapter 40 A, Sections 8 and 15 or apply for modification of his special permit as hereinbelow provided.

4. Modifications or Amendments of an Approved Plan

(a) In addition to the powers conferred upon it by G.L. Chapter 41, Section 81 W, the Planning Board shall have the power on its own motion or on the petition of any person interested to modify or amend its approval of the development plan annexed to its special permit, provided that no such recommendation may be filed until the Planning Board shall have satisfied the requirements of paragraph E 2 above.

(b) No modification of the provisions of said development plan, or part thereof, contained in the special permit, shall, nevertheless, be made, nor shall it be impaired by the Town, except with the written consent of the Applicant.

5. Abandonment

In the event that the Applicant shall abandon the work described in the development plan approved, or any portion or stage thereof for a period of one hundred twenty days, or if he shall fail to commence said work within the time prescribed in paragraph E 2 (c) (2) (iii) above, the Planning Board may, after a hearing duly called and conducted in accord with G.L. Chapter 40 A, Sections 11 and 15 cause notice of abandonment to be recorded in the Middlesex South District Registry of Deeds. No such notice shall be recorded, however, in the event that the holder of any security interest in the development site, who has exercised his right to take possession of the mortgaged property and to proceed to completion of the work which he has contracted to finance, shall have delivered an instrument to the Planning Board, assented to by the Applicant, accepting all the conditions and safeguards set forth in the special permit, as the same may have been, from time to time, modified; and such holder or holders shall, thereupon, be deemed the Applicant hereunder. Upon the recording of a notice of abandonment, no further development shall take place in the development site unless the Applicant shall have complied with the zoning and subdivision control regulations which would otherwise be applicable thereto.

"F. REGULATIONS

The Planning Board may prescribe from time to time, rules and regulations to supplement the standards and conditions set forth in this section of the Zoning By-laws provided;

1. Said rules and regulations are not inconsistent with said standards and conditions.

2. A copy of said rules and regulations is filed in the office of the Town Clerk, and

3. Any amendment or change of said rules and regulations shall not apply to any application that shall have been submitted prior to such filing.

"G. ENFORCEMENT

1. General Principles

(a) In accordance with the provisions of G.L. Chapter 40, Section 31, Chapter 40 A, Section 7, Chapter 41, Section 81 U and Article 20 of the By-Laws of the Town of Wayland and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section IX C in equity or at law and to recover from the Applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.

(b) The penalty provisions of these By-Laws may be imposed upon the Applicant, his general agent, tenant(s), architect(s), contractor(s), or any and all persons having an interest in the development site, including a mechanic's lien, mortgage or attachments.

(c) The Town of Wayland shall be the beneficiary of all fines imposed on account of the violation of these By-Laws in order to defray the expenses of enforcing the same.

(d) All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said

provisions, whether recorded by plan, covenant, easement, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly, or through their organization.

2. Stop Order

(a) In the event of a violation of law, an unauthorized sale or lease of the development site approved, development that deviates from the development plan approved, any use of the property that is not permitted in the development site or if the Applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of his special permit, the Inspector of Zoning or the Inspector of Buildings may deliver a stop order to the Applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be six days later than the date of the order.

(b) Any person who shall violate the provisions of a stop order shall be deemed in violation of these Zoning By-Laws.

(c) Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law.

"H. FEES

In order to reimburse the Town for the expense of processing the various applications hereinabove provided for, the Planning Board may, from time to time, adopt and promulgate in its Regulations a schedule of fees payable by the Applicant, a copy of which shall be kept on file and available in the office of the Town Clerk.

"I. SEVERABILITY

A determination that any specific portion of this Section IX C is invalid shall not render any other part thereof invalid."

or take any action relative thereto.

COMMENTS: This Article seeks to create a new kind of zoning district which would permit more intensive use of the land for condominiums if the parcel meets certain criteria.

The following Article transfers two parcels totalling 29 acres into the newly created district.

The future developers of the 29-acre parcel and the petitioners, largely neighbors and abutters, have designed the zoning concepts included in this new by-law. To qualify, a parcel of land must contain at least 25 acres and must have at least 30% wetland, as defined. Wetlands, however, will not count in the computation of the number of dwelling units allowed to be built. Subsequent parcels which may qualify can only be placed into the district by a 2/3rd vote at the Town Meeting. The new District will be limited to the southeast side of town, in general bounded by the Snake Brook, the Aqueduct, and the Wayland-Natick town line.

In exchange for an increase in the density of development, the developer will sell 5 or more units at "Affordable Prices".

A minimum of 5 affordable units will be sold at 33% of market price to buyers selected and controlled by the Town. These units will be nearly identical to the other 39 market units in the project. Town control will continue, with all subsequent owners paying 33% of the future market value; the buyer must meet the Town's requirements for moderate or affordable housing, and this control will continue for 99 years, at which time the Town would have the option to purchase the units for 33% of the then full market value.

The subject parcels are located in a 30,000 sq. ft. zone, and hence 29 acres of dry land might provide for 35 to 40 single family units; the wet portions may reduce the density to 25 units - plus or minus. The developer seeks the right to build 44 units - subject to the Town's approval and permitting process which may reduce the final number of units allowed. At least ten percent of the final number will be allocated to affordable housing.

The developer has another approach available utilizing the State's Snob Zoning Law - Chapter 774. It may be possible to obtain State Authorization to build 80 to 100 low income units by legally bypassing Wayland's permitting process. Such projects usually do not, however, create the same economic benefits to the developers as may be earned in this project.

No other parcel of land exists within the proposed Zoning District which might meet the threshold qualifications; town-wide about 20 such parcels exist.

At this writing not all of the appropriate Town Boards involved in the permitting or enforcement process have had adequate opportunity for review and comment. The Planning Board has held a public hearing and will report to Town Meeting.

These comments are substantially the same as those which appeared in the Warrant for Annual Town Meeting. No additional information has been received.

ARGUMENTS OPPOSED: The proposed zoning by-law sets a town-wide precedent, but only one neighborhood and one developer have been involved in its design and drafting. Accordingly, it is not likely to represent town policy. It will increase the density substantially.

ARGUMENTS IN FAVOR: The amendment will increase the variety of housing available and is supported by the neighborhood. It will avoid a large scale 90-unit project which otherwise might be built under the zoning regulations. It has an innovative program, dedicating 10% of the units to affordable housing under control by the Town.

RECOMMENDATIONS: Subject to and dependent upon the approval of the relevant boards and based upon the support of the neighborhood, the Finance Committee recommends approval of this and the following Article. The comments and recommendations were based on information available to the Finance Committee at the time of writing.

QUANTUM OF VOTE: Two-thirds - See Mass. G.L., Ch. 40A, Sec. 5.

LIMITED COMMERCIAL DISTRICT
RESIDENTIAL ZONE 30,000-150' FRONT
RESIDENTIAL ZONE 20000-120' FRONT
RESIDENTIAL ZONE 30000-150 FRONT
BUSINESS ZONED
BUSINESS ZONED
RESIDENTIAL ZONE 20000 120 FRONT
RESIDENTIAL ZONE 30000-150 FRONT
WAYLAND
NATICK

ARTICLE 4. AMEND ZONING BY-LAWS - AMEND ZONING MAP

Proposed by: Planning Board
Petitioners

Article 4. To see if the Town will amend the Zoning Map as follows:

To change the zoning district of the land, bounded and described as follows, and shown on the Plan entitled "Compiled Plan of Land in Wayland, Mass. Prepared for The Finch Group, Inc.", prepared by Mistry Associates, Inc. of Reading, Mass., dated December 12, 1986, and filed with the Town Clerk from RESIDENTIAL 30,000 - 150' FRONT TO SOUTHEAST WAYLAND-COCHITUATE PLANNING DISTRICT:

Description:

I. "Johnson" Parcel:

Northerly	by Lot 2 as shown on plan hereinafter mentioned, fifteen hundred nine and 09/100 feet; Easterly by lands now or formerly of Elizabeth W. Stevenson and of William E. Forance, four hundred fifty and 36/100 feet;
Southeasterly	by land now or formerly of Massachusetts Turnpike Authority, five hundred forty and 80/100 feet;
Southerly	by land now or formerly of Evelyn I. Scott, two hundred ninety-six and 95/100 feet; and
Southwesterly	by said Scott land and by land now or formerly of William F. Smith, ten hundred forty-seven and 49/100 feet.

Said parcel is shown as Lot 3 on said plan.

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 745, Page 162, with Certificate #123112 as Plan #18387 D.

The above described land has the benefit of the reservation more particularly set forth in Document #394588.

For title reference, see Certificate of Title #123112.

II. "The Finch Group, Inc." Parcel:

Beginning at the Northwest corner of the premises at the intersection of Oak Street and Commonwealth Road, (formerly referred to as the road from Cochituate to Auburndale).

Thence running Easterly 17 rods on Commonwealth Road, to land formerly of Holmes;

Thence Southeasterly 64 rods by said land of Holmes to land formerly of Bent;

Thence Westerly 44 rods by said land of Bent to Oak Street;

Thence Northerly 50 rods by said Oak Street to the point of beginning.

Containing about 10 acres; be any of said measurements more or less.

Said premises are subject to an easement for culvert drainage described in deed recorded with Middlesex South District Deeds, Book 4538, Page 92; and there is excepted therefrom about 300 square feet taken for said Commonwealth Road described in Book 4161, Page 304, of said District Deeds.

Hereby conveying the same premises described in deed of Harold L. Smith, dated August 19, 1982, recorded with said District Deeds, Book 14704, Page 546;

or take any action relative thereto.

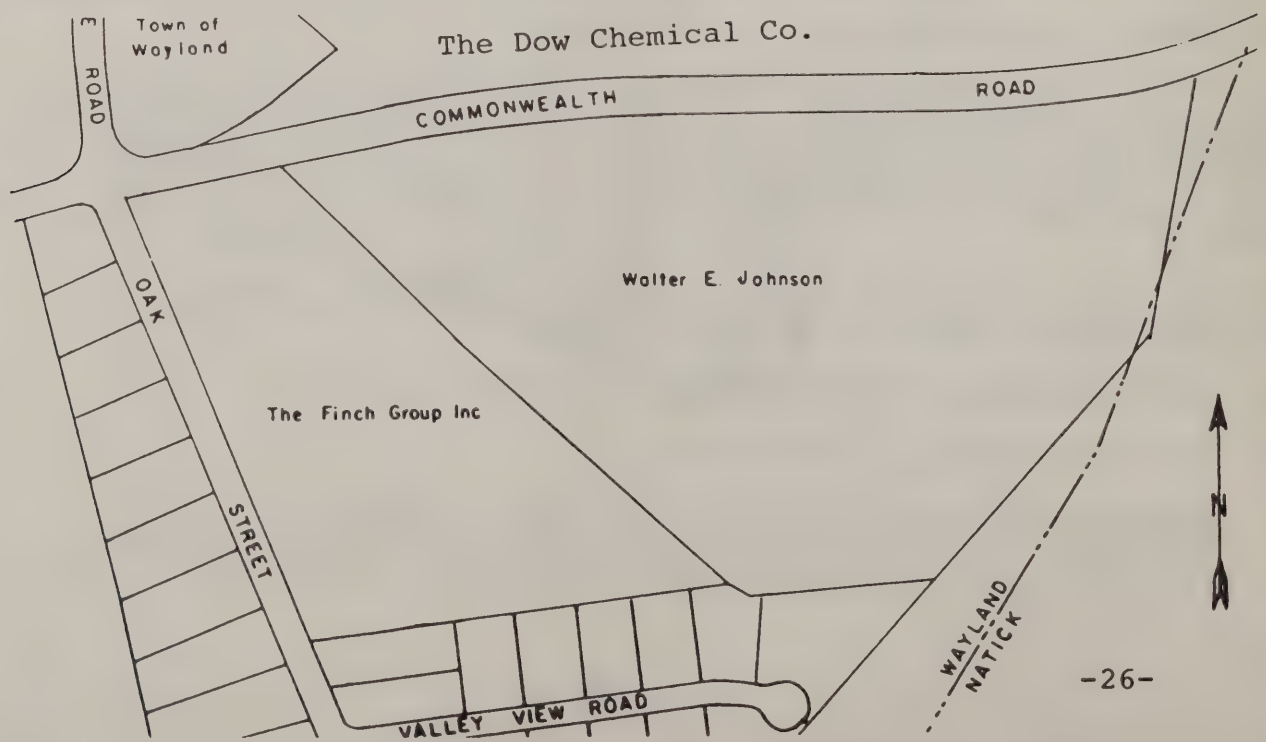
COMMENTS: See previous Article.

ARGUMENTS OPPOSED: See previous Article.

ARGUMENTS IN FAVOR: See previous Article.

RECOMMENDATION: See previous Article.

QUANTUM OF VOTE: Two-thirds - See Mass. G.L., Ch. 40A, Sec. 5.



ARTICLE 5. AMEND ZONING BY-LAWS - DOG KENNELS

Proposed by: Board of Selectmen

Article 5. To see if the Town will amend its Zoning By-Laws by adding the following new section to V (d):

"7. The maintenance of dogs and suitable shelters therefor; provided, however, that if the number of dogs six months old or older exceeds three, a special permit is granted to the current owner of the premises in accordance with paragraph (r). Any kennel or other structure used by dogs shall be no closer than 20 feet to any lot line and no closer than 50 feet to any existing dwelling located beyond any lot line. Notwithstanding the foregoing, the maintenance of dogs and shelters therefor by the then owner and to the extent in actual operation or existence as of January 1, 1987, whether or not such use has been lawfully in existence prior to that date, shall be deemed a lawful non-conforming use for all purposes of these By-Laws;

or take any action relative thereto.

COMMENTS: This Article was inserted in the Warrant by the Board of Selectmen in an effort to clarify under what conditions dogs and kennels are allowed under the Town's Zoning By-Laws. The history behind this Article is complex and the present proposed Amendment represents a compromise position resulting from several hearings over many years.

A similar Article was inserted in the Warrant for the 1986 Annual Town Meeting. The Article was defeated as it did not adequately address the issue of "pre-existing" kennels.

The Article proposes an addition to Section V (d) of the Town's Zoning By-Laws. It essentially addresses three points:

1. All kennels are considered "hobby" or "pleasure" kennels. There is no reference to "business" kennels. A resident who owns three dogs or more over the age of six months, must apply for a special permit for a kennel from the Zoning Board of Appeals to exist in a residential zone.

2. The Article last year did not address the issue of "pre-existing" kennels. This was much debated on Town-Meeting floor and in response to objections raised at Town Meeting, Town Counsel has written a grandfather clause into the proposed by-law. This would allow residents who currently own more than three dogs, and have a kennel license as of January 1, 1987, to maintain their current status. These citizens would not be required to go before the Board of Appeals. But, if a resident applies or has applied for a kennel license for more than three dogs after January 1, 1987, he must request a hearing for a special permit from the Board of Appeals to exist in a residential zone. The grandfathered kennels retain that status only as long as the present owner continues to occupy that property.

3. The set-back requirements for kennels or shelters on a resident's property.

The Selectmen have worked with the kennel owners and abutters to refine this proposed Amendment.

These comments are the same as those which appeared in the Warrant for Annual Town Meeting. No additional information has been received.

ARGUMENTS OPPOSED: There should not be grandfathering of any present kennel now in existence.

ARGUMENTS IN FAVOR: The proposed Amendment fills a gap in the Zoning By-Laws and sets reasonable standards as to when dogs and kennels are allowed and when special permits are required.

RECOMMENDATIONS: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Two-thirds - see Mass. G.L., Ch. 40A, Sec. 5.

* * * * * * * * * * * * *

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the public libraries in Cochituate and in Wayland Center, and by mailing or delivering a copy thereof addressed to each residence in the Town, fourteen days at least, before the time appointed for such meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before June 2, 1987.

Given under our hands and seals this eleventh day of May, 1987.

CATHERINE W. SEILER
L. THOMAS LINDEN
LEWIS S. RUSSELL
MARCIA P. CROWLEY
GEORGE H. HARRIS

Selectmen of the Town of
Wayland

JAMES F. BARRETT
WALTER F. POPE
ROBERT S. SWAIN
SHEILA D. BOES
SAMUEL T. ANSELL
MICHAEL TICHNOR
ROBERT L. WEST

Finance Committee

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